

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:07CR360
)	
v.)	
)	
ALEJANDRO MANUEL BONILLA-)	ORDER
FILOMENO,)	
)	
Defendant.)	
)	

On April 22, 2008, this Court entered an order pursuant to a motion of the government, setting trial of this case for Tuesday, May 27, 2008, at 9 a.m. (Filing No. 62). Shortly thereafter, on April 29, 2008, the defendant filed a motion to dismiss on speedy trial grounds, requesting a hearing (Filing No. 63), together with a brief in support of the motion to dismiss (Filing No. 64).

On April 30, 2008, the government filed a motion to dismiss the indictment as to this defendant (Filing No. 65), and on May 1, 2008, the defendant filed an objection to the government's motion for dismissal, again requesting a hearing (Filing No. 66). On May 9, 2008, the government filed its response to defendant's motion to dismiss (Filing No. 69). On May 19, 2008, the magistrate judge held a hearing on these pending motions, and on May 19, 2008, filed a short recommendation and order recommending that the defendant's motion (Filing No. 63) be denied in all respects, and further granted

the government's oral motion to withdraw its motion to dismiss (Filing No. 65).

The transcript of the hearing was filed on May 27, 2008, the date of the commencement of the trial. On June 5, 2008, the defendant timely filed his objection to the report and recommendation of the magistrate judge (Filing No. 99), together with a supporting brief (Filing No. 100). In the interim, this case proceeded to trial before a jury on May 27, 2008, and on May 29, 2008, the jury returned a verdict, finding the defendant guilty of the crime charged in Count I of the indictment.

The Court has reviewed all of the pleadings and briefs and has reviewed the transcript of the hearing held by the magistrate judge. Initially, this case involved three defendants, two of whom had entered into plea agreements and had entered pleas of guilty on or before February 8, 2008. The magistrate judge has gone through a calculation of times when the speedy trial clock was running and has concluded that as of May 27, 2008, when the trial of this case commenced, fifty-nine (59) speedy trial days had elapsed. The Court has made a similar calculation and concludes that sixty-one (61) days had elapsed as of May 27, 2008.

After review, the Court finds it should approve and adopt the report and recommendation of the magistrate judge in all respects. Accordingly,

IT IS ORDERED:

1) The report and recommendation of the magistrate judge is approved and adopted;

2) Defendant's motion to dismiss on speedy trial grounds is denied.

3) The objection to the report and recommendation of the magistrate judge is overruled.

DATED this 20th day of June, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court